



UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF  
TENNESSEE NASHVILLE DIVISION

EIGHT MILE STYLE, LLC; MARTIN  
AFFILIATED, LLC,

*Plaintiffs,*

v.

SPOTIFY USA INC.; HARRY FOX  
AGENCY, LLC,

*Defendants.*

Civil Case No. 19-CV-00736  
Hon. Aleta A. Trauger

JURY DEMAND

SPOTIFY USA INC.,

*Third-Party Plaintiff,*

v.

KOBALT MUSIC PUBLISHING  
AMERICA, INC.,

*Third-Party Defendant.*

**THIRD-PARTY DEFENDANT KOBALT MUSIC PUBLISHING AMERICA, INC.'S  
UNOPPOSED MOTION TO FILE UNDER SEAL**

HALL BOOTH SMITH, P.C.  
424 CHURCH STREET, SUITE 2950  
NASHVILLE, TENNESSEE 37219

– and –

REITLER KAILAS & ROSENBLATT LLP  
885 THIRD AVENUE  
NEW YORK, NEW YORK 10022

Pursuant to Section 5.07 of the Amended Administrative Practices and Procedures for Electronic Case Filing for the United States District Court for the Middle District of Tennessee [Administrative Order No. 167-1], Local Rules 5.03 and 7.01, and Section 1.C. of the Amended Stipulated Protective Order entered in this action (Doc. 217), Third-Party Defendant Kobalt Music Publishing America Inc. (“Kobalt”), respectfully moves for leave to file the following documents in connection with its opposition to Third-Party Defendant Spotify USA, Inc.’s motions for summary judgment under seal: Brief, Response to Spotify’s Statement of Undisputed Material Facts with Statement of Additional Material Facts, and exhibits thereto. Kobalt’s counsel has conferred with the other parties’ counsel regarding the relief sought in this motion. No party opposes the relief sought in this motion, subject to Plaintiffs’ caveat that they do not oppose this motion subject to and pending the Court’s ruling on their motion concerning the unsealing of certain documents in this litigation.

The documents which Kobalt seeks to file under seal consist of or refer to the contents of: portions of deposition transcripts of various witnesses discussing sensitive business topics related to Kobalt and other parties; documents that have been designated “Confidential,” “Confidential – Counsel’s Eyes Only,” and/or “Highly Confidential – Outside Counsel’s Eyes Only” in this litigation and include confidential business information, including confidential terms of licensing agreements. Accordingly, Kobalt seeks to avoid any public disclosure that could violate agreements or implicate any party’s privacy or confidential business interests. Many of the documents sought to be filed under seal relate to material which this Court has previously permitted the parties to file under seal. See Docs. 109, 186, 226, 239, 263, 267, 367, 368, 379, and 384.

To “justify nondisclosure to the public,” “[t]he proponent of sealing must provide compelling reasons to seal the documents and demonstrate that the sealing is narrowly tailored to those reasons—specifically, by ‘analyz[ing] in detail, document by document, the propriety of secrecy, providing reasons and legal citations.’” Beauchamp v. Federal Home Loan Mortgage Co., 658 F. App’x 202, 207 (6th Cir. 2016) (quoting Shane Grp. Inc. v. Blue Cross Blue Shield of Michigan, 825 F.3d 299, 305-306 (6th Cir.